

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Henry O'Hara,	:	
	:	
Petitioner(s),	:	
	:	Case Number: 1:10cv369
vs.	:	
	:	Chief Judge Susan J. Dlott
Deb Timmerman-Cooper, Warden, London	:	
Correctional Institution,	:	
	:	
Respondent(s).	:	

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on January 5, 2011 a Report and Recommendation (Doc. 10). Subsequently, the petitioner filed objections to such Report and Recommendation (Doc. 12).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendations should be adopted.

Accordingly, respondent's motion to transfer petitioner's third habeas petition to the Sixth Circuit Court of Appeals (Doc. 7) is **GRANTED**, and the petition for a writ of habeas corpus (Doc. 3) is **TRANSFERRED** pursuant to 28 U.S.C. § 1631 to the United States Court of

Appeals for the Sixth Circuit for consideration whether the district court may review the petition in accordance with 28 U.S.C. § 2244(b).

IT IS SO ORDERED.

s/Susan J. Dlott
Chief Judge Susan J. Dlott
United States District Court